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9 Attorneys for USACM Liquidating Trust

10 **UNITED STATES BANKRUPTCY COURT
 11 DISTRICT OF NEVADA**

12 In re:

13 **USA COMMERCIAL MORTGAGE
 14 COMPANY,**

15 **Debtor.**

16 Case No. BK-S-06-10725-LBR
 Chapter 11

17 **NOTICE OF HEARING RE
 18 OMNIBUS OBJECTION OF USACM
 19 TRUST TO PROOFS OF CLAIM
 20 BASED UPON INVESTMENT IN
 21 THE CASTAIC PARTNERS III
 22 LOAN**

23 **Date of Hearing: September 30, 2011
 24 Time of Hearing: 9:30 a.m.
 25 Estimated Time for hearing: 10 min.**

26 **THE USACM LIQUIDATING TRUST IS OBJECTING TO THE CLAIM
 THAT YOU FILED. THE USACM TRUST SEEKS TO DISALLOW YOUR
 CLAIM TO THE EXTENT YOUR CLAIM IS BASED UPON AN INVESTMENT
 IN THE CASTAIC PARTNERS III LOAN. THE USACM TRUST CONTENDS
 THAT YOU DO NOT HAVE A COMPLETELY VALID CLAIM BASED UPON
 YOUR INVESTMENT IN THIS LOAN BECAUSE YOU TOOK A KNOWN AND
 OBVIOUS RISK IN MAKING THAT INVESTMENT AND USACM DID NOT
 GUARANTEE REPAYMENT OF THAT LOAN. THIS OBJECTION WILL NOT
 IMPACT YOUR CLAIM TO THE EXTENT IT IS BASED UPON AN
 INVESTMENT IN A DIFFERENT LOAN.**

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1 **PLEASE DO NOT CONTACT THE CLERK OF THE BANKRUPTCY**
2 **COURT TO DISCUSS THE MERITS OF YOUR CLAIM. QUESTIONS**
3 **REGARDING THE AMOUNT OF A CLAIM OR THE FILING OF A CLAIM**
4 **SHOULD BE DIRECTED TO BRANT FYLLING AT SIERRA GROUP**
5 **CONSULTING, LLC (602-424-7009) OR TO UNDERSIGNED COUNSEL, JOHN**
6 **HINDERAKER (520-629-4430).**

7 **NOTICE IS HEREBY GIVEN** that the USACM Liquidating Trust, by and
8 through its counsel, has filed its Omnibus Objections to Proofs of Claim Based Upon
9 Investment in the Castaic Partners III Loan (with Certificate of Service) (the "Objection").
10 Your Proof of Claim number and other information regarding your claim is provided in
11 Exhibit A attached to the Objection. The USACM Liquidating Trust has requested that
12 this Court enter an order, pursuant to section 502 of title 11 of the United States Code (the
13 "Bankruptcy Code") and Rule 3007 of the Federal Rules of Bankruptcy Procedure (the
14 "Bankruptcy Rules"), disallowing your Proof of Claim to the extent it is based upon an
15 investment in the Castaic Partners III Loan. The Objection will not impact your Claim to
16 the extent it is based upon an investment in a different loan.

17 **NOTICE IS FURTHER GIVEN** that the hearing on the Objection will be held
18 before the Honorable Linda B. Riegle, U.S. Bankruptcy Court Judge in the Foley Federal
19 Building, 300 Las Vegas Blvd. South, 3rd Floor, Courtroom No. 1, Las Vegas, Nevada on
20 September 30, 2011, at the hour of 9:30 a.m.

21 **NOTICE IS FURTHER GIVEN THAT THE HEARING SET ON**
22 **SEPTEMBER 30, 2011, WILL BE HELD FOR THE PURPOSE OF STATUS**
23 **CHECKS AND SCHEDULING EVIDENTIARY HEARINGS ONLY. NO**
24 **ARGUMENTS WILL BE HEARD ON THAT DATE.**

25 **NOTICE IS FURTHER GIVEN** that pursuant to Local Rule 9014(d), any
26 response to the objection must be filed and service must be completed no later than



1 **fourteen (14) days** preceding the hearing date. The opposition must set forth all relevant
 2 facts and any relevant legal authority.

3 If you object to the relief requested, you *must* file a **WRITTEN** response to this
 4 pleading with the Court. You *must* also serve your written response on the person who
 5 sent you this notice.

6 If you do not file a written response with the Court, or if you do not serve your
 7 written response on the person who sent you this notice, then:

8

- 9 • The Court may *refuse to allow you to speak* at the scheduled hearing; and
- 10 • The Court may *rule against you* and sustain the objection without formally
 calling the matter at the hearing.

11 Dated: August 6, 2011

12 LEWIS AND ROCA LLP

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14 By s/John Hinderaker (AZ 18024)
 15 Robert M. Charles, Jr., NV 6593
 16 John Hinderaker, AZ 18024 (*pro hac vice*)
 17 Marvin Ruth, NV 10979
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Attorneys for the USACM Liquidating Trust

18 Copy of the foregoing and pertinent
 19 portion of Exhibits mailed by first
 20 class postage prepaid U.S. Mail on
 August 6, 2011 to all parties listed on
 Exhibit A attached to the objection.

21 LEWIS AND ROCA LLP

22

23 s/ Matt Burns
 24 Matt Burns